

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 12-316
VERSUS	*	SECTION: F
JOSHUA NETTLES	*	

* * *

FACTUAL BASIS

The defendant, **JOSHUA NETTLES** (hereinafter, the “defendant” or “**NETTLES**”), has agreed to plead guilty as charged to the Indictment pending against him, charging him with receipt of child pornography, in violation of Title 18, United States Code, Section 2252(a)(2) (Count 1) and possession of child pornography, in violation of Title 18, United States Code, Section 2252(a)(4)(B) (Count 2). Should this matter proceed to trial, both the Government and the defendant, **JOSHUA NETTLES**, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crimes to which the defendant is pleading guilty. The Government and the defendant further stipulate that the Government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Indictment now pending against the defendant:

The Government would show that, at all times mentioned in the Indictment, the defendant, **JOSHUA NETTLES**, was a resident of the Eastern District of Louisiana and lived in Covington, Louisiana.

The Government would further present competent testimony and evidence that Special Agents from the Federal Bureau of Investigation determined that **NETTLES** was downloading images and videos depicting the sexual exploitation of children (“child pornography”) by accessing websites and downloading videos and images made available on those websites. On April 18, 2012, law enforcement officials obtained lawful consent to view the contents of **NETTLES’S** computer at his residence in Covington, Louisiana. Special agents would testify that they recovered one computer that was determined to contain images and videos of child pornography during the execution of the search warrant: one (1) Toshiba Satellite L455-S5009 laptop computer bearing serial number 2A038506K. Subsequently, the agents obtained a search warrant, based on probable cause, to conduct a thorough search of the Toshiba computer.

The Government would further establish through testimony and documentary evidence that, including through the execution of the search warrant on the Toshiba computer, **NETTLES** knowingly used both computers to search for, download, save, and store images depicting the sexual victimization of children. Further, the evidence and testimony would establish that a computer forensic search of **NETTLES’S** seized computers and related evidence revealed 1409 files and 14 videos depicting the sexual victimization of children on **NETTLES’S** Toshiba computer.

Further, the Government would establish, through introducing the results of the computer forensic search, that **NETTLES** downloaded images and videos of child pornography,

including, but not limited to, files entitled “July 18 2007 - Tara 8yr - Gets Molested by Clown.jpg” and “July 18 2007 - Tara 8yr - Gets buttfucked by 14inch long vibrator.jpg.” Additionally, **NETTLES** stored (*i.e.*, possessed) images and videos of child pornography on his Toshiba computer including, but not limited to, files entitled “Kat 5Yo - First Taste of Dad Cum 2010.jpg,” “Kelly 7yo Masturbation.jpg,” and “Man Rubbing On A 5Yo Cunny.jpg.”

The Government would further establish, through introducing the results of the computer forensic search, that **NETTLES** downloaded “FEB.rar,” a password-protected proprietary archive file used to compress large amounts of data, on February 13, 2012 at 10:48:35am Central Standard Time. On February 13, 2012 at 11:00:28am, **NETTLES** unpacked (*i.e.*, opened) the file “FEB.rar,” by providing the correct password. The FEB.rar file contained (1) one or more images or videos depicting the sexual victimization of children and (2) a LINKS.txt file. The LINKS.txt file within the FEB.rar file contained multiple links to different internet Uniform Resource Locators (URLs), otherwise known as internet website addresses, where the corresponding videos were located. The FEB.rar file **NETTLES** downloaded on February 13, 2012, at 10:48:35am file contained numerous images depicting the sexual victimization of children, including the following image names: “K-bbj birthday girl.jpg,” “K-BBJ JCKOF.jpg,” and “k-wiv lick 2y jennifer sofie.jpg.”

An FBI forensic examiner would testify that his forensic examination of **NETTLES’S** computer revealed that on February 13, 2012, at 11:10:42am, **NETTLES** used a link within the FEB.rar file to download the file “K-bbj birthday girl.mpg,” a video depicting the sexual victimization of a child. Further, on February 13, 2012 at 11:23:24am, **NETTLES** viewed the file “K-bbj birthday girl.mpg.”

An FBI forensic examiner would testify that his forensic examination of **NETTLES'S** computer revealed that on February 14, 2012 at 3:17:54pm, **NETTLES** used a link within the FEB.rar file to download the file “k-wiv lick 2y jennifer sofie.mpg.” The file “k-wiv lick 2y jennifer sofie.mpg” contained a video depicting the sexual victimization of a child. Further, on February 14, 2012, at 3:24:19pm, **NETTLES** viewed the file “k-wiv lick 2y jennifer sofie.mpg”

An FBI forensic examiner would testify that his forensic examination of **NETTLES'S** computer revealed that on February 14, 2012, at 2:20:19pm, **NETTLES** used a link within the FEB.rar file to download the file “K-BBJ JCKOF.wmv” file. The file “K-BBJ JCKOF.wmv” contained a video depicting the sexual victimization of a child, specifically an adult male penetrating a prepubescent female digitally, anally, and vaginally, then ejaculating on her vagina. Further, on February 15, 2012, at 4:03:52pm, **NETTLES** viewed the file “K-BBJ JCKOF.wmv file.”

Further, the Government would introduce post-*Miranda* statements, wherein **NETTLES** voluntarily admitted to Special Agents with the FBI that he knowingly received, downloaded, and possessed images of child pornography. According to **NETTLES**, he used the Toshiba laptop most recently to download child pornography. **NETTLES** further stated that he had been actively searching for and downloading child pornography for a long period of time and that he had an addiction to child pornography. Specifically, **NETTLES** stated that he downloaded certain types of computer files, particularly “.rar” and “.zip” files, which, as discussed above, are proprietary archive file formats that support data compression, error recovery, and file spanning. **NETTLES** further stated that he used passwords associated with some of the files he downloaded to open the aforementioned files depicting the sexual exploitation of children.

Forensic evidence consisting of medical testimony, law enforcement officers, and supporting documentation would establish that some of the child victims depicted in the images possessed by **NETTLES** were of real, identifiable victims, less than the age of eighteen (18) years old at the time the child pornography was created.

Testimony would establish that some of the child victims depicted in the materials possessed and received by **NETTLES** were of prepubescent children less than eighteen (18) years of age; to wit: less than four (4) years old and that the images of the child victims were engaged in “sexually explicit conduct,” as defined in Title 18, United States Code, Section 2256. These images and videos include pictures of adult males vaginally penetrating minor victims and unclothed minor victims being bound and/or restrained and fully exposing his/her genitalia. All of the images depicting the sexual victimization of minors possessed by the defendant would be introduced through the testimony of Special Agents with the FBI.

Further, the Government would present evidence that would establish that the images of child pornography had been transported in interstate commerce via computer.

Further, the Government would show through testimony and documentary evidence that the equipment used by the defendant to acquire the child pornography was transported in interstate or foreign commerce.

The above facts come from an investigation conducted by, and would be proven at trial by credible testimony from, Special Agents and forensic examiners from the FBI, other witnesses, documents and electronic devices in the possession of the FBI, and the voluntary statements of the defendant, **JOSHUA NETTLES**.

APPROVED AND ACCEPTED:

JOSHUA NETTLES	Date
Defendant	

VALERIE WELZ JUSSELIN, ESQ.	Date
(Louisiana Bar No. _____)	
Attorney for Defendant Nettles	

JORDAN GINSBERG	Date
(Illinois Bar. No. 6282956)	
Assistant United States Attorney	